

CITY OF OAKLAND



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July 5, 2022

HONORABLE CITY COUNCIL
Oakland, California

Subject: Anti Police-Terror Project, Community Ready Corps, Sean Canaday, Michael Cohen, Michael Cooper, Andrea Costanzo, Johnathan Farmer, Lindsey Filowitz, Danielle Gaito, Katie Johnson, Bryanna Kelly, Jennifer Li, Ian McDonnell, Melissa Miyara, Lindsey Morris, Leila Mottley, Niko Nada, Azize Ngo, Nicole Puller, Maria Ramirez, Akil Riley, Aaron Rogachevsky, Tara Rose, Ashwin Rupan, Daniel Sanchez, Christina Stewart, Tayah Stewart, Katherine Sugrue, Celeste Wong, And Qiaochu Zhang; on behalf of themselves and similarly situated individuals v. City of Oakland, OPD Police Chief Susan E. Manheimer, OPD Sergeant Patrick Gonzales, OPD Officer Maxwell D’Orso and OPD Officer Casey Fought
United States District Court Case No. 4:20-CV-03866-JCS
City Attorney File No. X05141
(Oakland Police Department – Crowd Control)

President Fortunato Bas and Members of the City Council:

Pursuant to Section 401 of the Charter, the City Attorney has prepared and requests your approval of a resolution authorizing compromise and settlement of the above-entitled lawsuit for the sum of: One Million Five Hundred Twenty Five Thousand Dollars and No Cents (\$1,525,000.00), payable to the settling plaintiffs in a manner specified by Plaintiffs’ counsel.

Plaintiffs are 27 persons and two organizations that sued the City, former Interim Chief of Police Susan Manheimer, and three police officers, challenging the handling of protests in Oakland between May 29, 2020 and June 1, 2020. Plaintiffs claim violation of their right to free speech under the First Amendment, excessive force and false arrest in violation of the Fourth Amendment, violation of the right to substantive due process under the Fourteenth Amendment, violation of the Bane Act (Civ. Code § 52.1), and common law claims for assault and battery, false arrest, and negligence. The district court previously entered a preliminary injunction against the City, restricting certain elements of the City’s crowd control policy and practices. Certain claims for injunctive relief have been certified as a class action, and the settlement of the claims for permanent injunctive relief and attorneys’ fees must be approved by the Court.

President Fortunato Bas and Members of the City Council

July 5, 2022

Re: Anti Police-Terror Project, et al. v. City of Oakland, et al.

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The City Council authorized settlement of this case in Closed Session on Thursday, June 16, 2022 (moved by Councilmember Noel Gallo and seconded by Vice Mayor Rebecca Kaplan - 6 Ayes, 2 Absent - Councilmembers Dan Kalb and Treva Reid).

Respectfully submitted,



BARBARA J. PARKER
City Attorney

Assigned Attorney:
Kevin P. McLaughlin